



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Rillie

Serial No.: 09/376,461

Filed: August 18, 1999

For: SKYLIGHT FLASHING

) Art Unit: 3634

) Examiner: Stodola

) 1128.006A

) June 23, 2003
) 750 B STREET, Suite 3120
) San Diego, CA 92101
)

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BOARD OF PATENT APPEALS
AND INTERFERENCES

PETITION

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

The demand for more appeal fees is petitioned as being improper, and the fees are requested to be refunded.

Applicant has already paid appeal fees. An appeal was considered by the Board, who held for Applicant. That should have ended prosecution.

It did not. The examiner, despite MPEP §1214.04 stating that "The examiner should *never* regard such a [Board] reversal as a challenge to make a new search...particularly where the application has been transferred to an examiner other than the one who rejected the claims leading to appeal" nonetheless commandeered prosecution, conducted a new search, and eventually and forced a second appeal. Applicant is left to wonder that if it is victorious yet again, how many more times will this or another examiner ignore the Board and reopen prosecution? How many more fees might Applicant have to pay? When is prosecution

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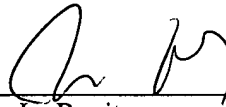
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after a victory at the Board level finally over? If nothing else, why is it fair to force Applicant to pay more appeal fees, when it paid them once already and won (but so temporarily!) the case?

Respectfully submitted,



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JLR:jg